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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant(s): Jong-Cheol BAE

Examiner: Dean, Raymond S.

Serial No.: 09/873,702

Group Art Unit: 2618

Filed: June 4, 2001

Docket: 678-670 (P9675)

For: **A METHOD OF TRANSMITTING AND
RECEIVING BROADCASTING
INFORMATION BY UTILIZING A CELL
BROADCASTING SERVICE IN A MOBILE
TELECOMMUNICATION SYSTEM**

Dated: April 16, 2007

Mail Stop Appeal Brief-Patents
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313

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Respectfully submitted,

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Dated: April 16, 2007

Michael J. Musella



Attorney Docket No.: 678-670 (P9675)

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BOARD OF PATENT APPEALS AND INTERFERENCES**

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APPELLANTS BRIEF ON APPEAL

REAL PARTY IN INTEREST

The real party in interest is Samsung Electronics Co, Ltd, the assignee of the subject application, having an office at 416, Maetan-dong, Yeongtong-gu, Suwon-si, Gyeonggi-do, Republic of Korea.

RELATED APPEALS AND INTERFERENCES

To the best of Appellants' knowledge and belief, there are no currently pending related appeals, interferences or judicial proceedings.

04/19/2007 AWONDAF1 00000026 09873702

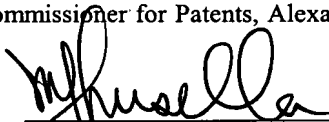
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Michael J. Musella

STATUS OF CLAIMS

Original Claims 1-8 were filed on June 4, 2001. Claim 1 was amended in a Submission for a Request for Continued Examination filed March 21, 2005.

Thus, Claims 1-8 are pending in the Appeal. Claims 1, 3 and 5 are in independent form.

For the purposes of this appeal, Claims 1 and 2 stand or fall together, Claims 3 and 4 stand or fall together, and Claims 5-8 stand or fall together.

STATUS OF AMENDMENTS

Amendments contained in a Response filed January 11, 2007 were not entered. Thus, the Appendix to this Appeal Brief includes Claims 1-8, of which the status of Claim 1 is indicated as "Previously Presented", and the status of Claims 2-8 is indicated as "Original".

SUMMARY OF CLAIMED SUBJECT MATTER

The invention recited in Claim 1 relates to a method of transmitting broadcasting information to a mobile station by utilizing a cell broadcasting service (CBS).

The method includes converting broadcasting information to a predetermined message code according to type and contents of the broadcasting information. (Specification at page 6, lines 1-2, FIG. 4.)¹

The method further includes generating a message having the converted predetermined message code and a header indicating the type of the broadcasting information in a format predetermined depending on the type of the broadcasting information. (Specification at page 6, lines 2-5, FIG. 4.)

The method still further includes transmitting the generated message by utilizing the CBS. (Specification at page 6, lines 9-10, FIG. 4.)

¹ Although a citation for each feature of the claims is provided herein, Applicants do not concede the fact that support may be found elsewhere in the written description.

The converted predetermined message code includes a code that is predetermined for at least one word for indicating the contents of the broadcasting information. (Specification at page 6, lines 5-9.)

The invention recited in Claim 3 relates to a method of receiving broadcasting information in a mobile station by utilizing a cell broadcasting service (CBS).

The method includes checking a header of a CBS message upon receipt of the CBS message. (Specification at page 6, lines 15-16, FIG. 5.)

The method further includes recovering broadcasting information by comparing a message code of the CBS message with a predetermined code corresponding to type and contents indicated by the header of the CBS message, if the header indicates there is a coded message. (Specification at page 6, lines 17-29, FIG. 5.)

The invention recited in Claim 5 relates to a method of transmitting and receiving broadcasting information by a cell broadcasting service (CBS) in a mobile telecommunication system.

The method includes converting broadcasting information to a predetermined message code according to type and contents of the broadcasting information. (Specification at page 6, lines 1-2, FIG. 4.)

The method further includes generating a message having a header indicating the type of the broadcasting information and the predetermined message code in a format predetermined depending on the type of the broadcasting information. (Specification at page 6, lines 2-5, FIG. 4.)

The method still further includes transmitting the generated message by utilizing the CBS. (Specification at page 6, lines 9-10, FIG. 4.)

The method still further includes receiving the CBS message. (Specification at page 6, lines 11-14, FIG. 5.)

The method yet further includes checking the header of the CBS message upon receipt of the CBS message in a mobile station. (Specification at page 6, lines 15-16, FIG. 5.)

The method also includes recovering the broadcasting information by comparing a message code of the CBS message with a predetermined code corresponding to the type and contents

indicated by the header of the CBS message, if the header indicates there is a coded message. (Specification at page 68, lines 17-19, FIG. 5.)

GROUND FOR REJECTION TO BE REVIEWED ON APPEAL

Whether Claims 1 and 2 are unpatentable under 35 U.S.C. § 103 (a) over U.S. 6,097,949 to Jung et al. (Jung) in view of U.S. 5,481,254 to Gaskill et al. (Gaskill).

Whether Claims 3 and 4 are unpatentable under 35 U.S.C. § 103 (a) over U.S. 6,097,949 to Jung et al. (Jung) in view of U.S. 5,481,254 to Gaskill et al. (Gaskill).

Whether Claims 5-8 are unpatentable under 35 U.S.C. § 103 (a) over U.S. 6,097,949 to Jung et al. (Jung) in view of U.S. 5,481,254 to Gaskill et al. (Gaskill).

ARGUMENT

The Examiner rejected independent Claims 1, 3 and 5 under 35 U.S.C. §103(a) as being unpatentable over Jung in view of Gaskill.

1. Independent Claim 1 is patentable over Jung in view of Gaskill

Independent Claim 1 was said to be unpatentable over Jung in view of Gaskill.

Claim 1 recites a method of transmitting broadcasting information to a mobile station by utilizing a cell broadcasting service (CBS). The method converts broadcasting information to a predetermined message code according to type and contents of the broadcasting information. The method generates a message having the converted predetermined message code and a header indicating the type of the broadcasting information in a format predetermined depending on the type of the broadcasting information. The method transmits the generated message by utilizing the CBS. The converted predetermined message code includes a code that is predetermined for at least one word for indicating the contents of the broadcasting information.

Jung teaches a method for providing a closed user group service in a mobile communication network.

Gaskill teaches group message delivery in a time-division multiplexed paging system.

1A. Since neither Jung nor Gaskill teach or disclose converting broadcasting information to a predetermined message code according to type and contents of the broadcasting information, neither reference, nor any combination thereof, can be used to render obvious Claim 1

Claim 1 recites converting broadcasting information to a predetermined message code according to type and contents of the broadcasting information. An example of the predetermined message code according to Claim 1 is set forth in Table 1.² Table 1, as the example, shows one type being weather, and content being area, date, time and weather condition.

Table 1

Information type		Contents							
		area		date		time		weather condition	
code	contents	code	contents	code	contents	code	contents	code	contents
00	weather	00	New York	00	today	00	06	00	fine
		01	Chicago	01	tomorrow	01	07	01	cloudy
		02	Seattle	02	day after tomorrow	02	08	02	snow
		03	Denver	03	two days after tomorrow	03	09	03	rain
	

By just knowing the type of broadcasting information, the content would still be unknown. The broadcasting information requires both type and content for the broadcasting information to have its full meaning.

For example, if a weather broadcasting information predicting snow tomorrow at 8:00 in Denver, is converted to a predetermined message code according to Table 1, a predetermined message code would be generated: 00 03 01 02 02. The format of this predetermined message code is shown in FIG. 3.

² See Specification at page 5.

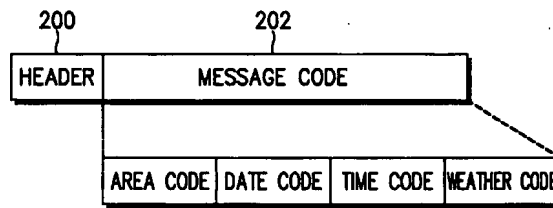


FIG. 3

Therefore, rather than having to transmit “weather Denver tomorrow 8:00 snow”, the present invention can merely transmit “00 03 01 02 02”. This process saves valuable system resources.

The Examiner concedes that Jung does not disclose this feature.³ The Examiner states that Gaskill discloses this feature.⁴ The Examiner goes on to opine, “if the type of broadcasting information is known then the contents of said broadcasting information is known thus the conversion will be according to the type and contents of the broadcasting information.”⁵ This issue is also addressed by the Examiner in the Response to Arguments section of the same Office Action, wherein the Examiner states:

Examiner respectfully disagrees with the Applicant’s assertion that Gaskill does not teach coding according to type and content. The message type is an indication of the content. When, for example, sports information is broadcast to a subscriber said subscriber’s mobile device would display a coded format that indicates the type of broadcast information, which is sports information, which implies that content is sports content. If the type of information is known than the content is known thus the message codes of Gaskill are based on type and content.⁶

Therefore, it is the Examiner’s position that by knowing that the broadcasting information is sports information would mean that the scores of the game are also known. Or, in the weather example above, if the type of broadcasting information is known, i.e. weather, then by that alone would the forecast itself be known. These conclusions are erroneous and, of course, not supportable by the art.

³ See Office Action dated September 11, 2006 at page 3.

⁴ See Office Action dated September 11, 2006 at pages 3-4.

⁵ See Office Action dated September 11, 2006, at pages 3-4.

⁶ See Office Action dated September 11, 2006 at page 2.

Since neither Jung nor Gaskill, nor any combination thereof, disclose the recitation of Claim 1 of the present application, of converting broadcasting information to a predetermined message code according to type and contents of the broadcasting information, Claim 1 cannot be rendered obvious by Jung in view of Gaskill.

Based on at least the foregoing, reversal of the rejection of independent Claim 1 under §103(a) is respectfully requested.

1B. Since neither Jung nor Gaskill teach or disclose generating a message having the converted predetermined message code and a header indicating the type of the broadcasting information in a format predetermined depending on the type of the broadcasting information, neither reference, nor any combination thereof, can be used to render obvious Claim 1

Claim 1 recites generating a message having the converted predetermined message code and a header indicating the type of the broadcasting information in a format predetermined depending on the type of the broadcasting information.

The Examiner concedes that Jung does not disclose this feature.⁷ The Examiner states that Gaskill discloses this feature.⁸

Gaskill teaches its message structure in FIGs. 3 and 5. As can be plainly seen, a header is not disclosed. Even though Gaskill does not disclose a header, the Examiner opines, “the message type is indicated thus there will be a header for said indication.” Gaskill does not teach or disclose generating a message having the converted predetermined message code and a header indicating the type of the broadcasting information in a format predetermined depending on the type of the broadcasting information.

Since neither Jung nor Gaskill, nor any combination thereof, disclose the recitation of Claim 1 of the present application, of generating a message having the converted predetermined message code and a header indicating the type of the broadcasting information in a format predetermined depending on the type of the broadcasting information, Claim 1 cannot be rendered obvious by Jung in view of Gaskill.

Based on at least the foregoing, reversal of the rejection of independent Claim 1 under

⁷ See Office Action dated September 11, 2006 at page 3.

⁸ See Office Action dated September 11, 2006 at pages 3-4.

§103(a) is respectfully requested.

1C. Independent Claim 1 is not rendered obvious by Jung in view of Gaskill

The Examiner has failed to show that each and every element of Claim 1, and in as complete detail as is contained therein, are taught in or suggested by the prior art. The Examiner has failed to make out a prima facie case for an obviousness rejection, and thus Claim 1 is allowable.

2. Dependent Claim 2 is patentable over Jung in view of Gaskill

Without conceding the patentability per se of dependent Claim 2, this claim is likewise believed to be allowable by virtue of at least its dependence on Claim 1.

3. Independent Claim 3 is patentable over Jung in view of Gaskill

Independent Claim 3 was said to be unpatentable over Jung in view of Gaskill.

Claim 3 recites a method of receiving broadcasting information in a mobile station by utilizing a cell broadcasting service (CBS). The method includes checking a header of a CBS message upon receipt of the CBS message. The method further includes recovering broadcasting information by comparing a message code of the CBS message with a predetermined code corresponding to type and contents indicated by the header of the CBS message, if the header indicates there is a coded message.

Jung teaches a method for providing a closed user group service in a mobile communication network.

Gaskill teaches group message delivery in a time-division multiplexed paging system.

3A. Since Gaskill does not teach or disclose checking a header of a CBS message upon receipt of the CBS message, Gaskill cannot be used to render obvious Claim 3

Claim 3 recites checking a header of a CBS message upon receipt of the CBS message.

The Examiner concedes that Jung does not disclose this feature.⁹ The Examiner states that Gaskill discloses this feature.¹⁰

⁹ See Office Action dated September 11, 2006 at page 5.

¹⁰ See Office Action dated September 11, 2006 at page 5.

In rejection this feature, the Examiner relies on his erroneous conclusion that, “the message type is indicated thus there will be a header for said indication”.¹¹ As set forth above in section 1B, Gaskill does not teach or disclose any headers, and therefore cannot teach or disclose checking a header.

Since Gaskill does not teach or disclose the recitation of Claim 3 of the present application, of checking a header of a CBS message upon receipt of the CBS message, this feature of Claim 3 cannot be rendered obvious by Gaskill.

Based on at least the foregoing, reversal of the rejection of independent Claim 3 under §103(a) is respectfully requested.

3B. Since neither Jung nor Gaskill teach or disclose a predetermined code corresponding to type and contents of the CBS message, neither reference, nor any combination thereof, can be used to render obvious Claim 3

Claim 3 recites a predetermined code corresponding to type and contents of the CBS message.

The Examiner concedes that Jung does not disclose this feature.¹² The Examiner states that Gaskill discloses this feature.¹³

Again, the Examiner relies on the erroneous conclusion that , “if the type of broadcasting information is known then the contents of said broadcasting information is known.” The errors involved in this reasoning are set forth above in section 1A.

Since neither Jung nor Gaskill, nor any combination thereof, disclose the recitation of Claim 3 of the present application, of a predetermined code corresponding to type and contents of the CBS message, Claim 3 cannot be rendered obvious by Jung in view of Gaskill.

Based on at least the foregoing, reversal of the rejection of independent Claim 3 under §103(a) is respectfully requested.

3C. Independent Claim 3 is not rendered obvious by Jung in view of Gaskill

The Examiner has failed to show that each and every element of Claim 3, and in as complete

¹¹ See Office Action dated September 11, 2006 at page 5.

¹² See Office Action dated September 11, 2006 at page 5.

¹³ See Office Action dated September 11, 2006 at page 5.

detail as is contained therein, are taught in or suggested by the prior art. The Examiner has failed to make out a prima facie case for an obviousness rejection, and thus Claim 3 is allowable.

4. Dependent Claim 4 is patentable over Jung in view of Gaskill

Without conceding the patentability per se of dependent Claim 4, this claim is likewise believed to be allowable by virtue of at least its dependence on Claim 3.

5. Independent Claim 5 is patentable over Jung in view of Gaskill

Independent Claim 5 was said to be unpatentable over Jung in view of Gaskill.

Claim 5 recites a method of transmitting and receiving broadcasting information by a cell broadcasting service (CBS) in a mobile telecommunication system. The method includes converting broadcasting information to a predetermined message code according to type and contents of the broadcasting information. The method further includes generating a message having a header indicating the type of the broadcasting information and the predetermined message code in a format predetermined depending on the type of the broadcasting information. The method still further includes transmitting the generated message by utilizing the CBS. The method still further includes receiving the CBS message. The method yet further includes checking the header of the CBS message upon receipt of the CBS message in a mobile station. The method also includes recovering the broadcasting information by comparing a message code of the CBS message with a predetermined code corresponding to the type and contents indicated by the header of the CBS message, if the header indicates there is a coded message.

Jung teaches a method for providing a closed user group service in a mobile communication network.

Gaskill teaches group message delivery in a time-division multiplexed paging system.

5A. Since neither Jung nor Gaskill teach or disclose converting broadcasting information to a predetermined message code according to type and contents of the broadcasting information, neither reference, nor any combination thereof, can be used to render obvious Claim 5

Claim 5 recites converting broadcasting information to a predetermined message code according to type and contents of the broadcasting information.

Since these features are similar to features recited in Claim 1, the arguments set forth above in section 1A with respect to Claim 1 are also applicable to Claim 5.

Since neither Jung nor Gaskill, nor any combination thereof, disclose the recitation of Claim 5 of the present application, of converting broadcasting information to a predetermined message code according to type and contents of the broadcasting information, Claim 5 cannot be rendered obvious by Jung in view of Gaskill.

Based on at least the foregoing, reversal of the rejection of independent Claim 5 under §103(a) is respectfully requested.

5B. Since neither Jung nor Gaskill teach or disclose generating a message having the converted predetermined message code and a header indicating the type of the broadcasting information in a format predetermined depending on the type of the broadcasting information, neither reference, nor any combination thereof, can be used to render obvious Claim 5

Claim 5 recites generating a message having the converted predetermined message code and a header indicating the type of the broadcasting information in a format predetermined depending on the type of the broadcasting information.

Since these features are similar to features recited in Claim 1, the arguments set forth above in section 1B with respect to Claim 1 are also applicable to Claim 5.

Since neither Jung nor Gaskill, nor any combination thereof, disclose the recitation of Claim 5 of the present application, of generating a message having the converted predetermined message code and a header indicating the type of the broadcasting information in a format predetermined depending on the type of the broadcasting information, Claim 5 cannot be rendered obvious by Jung in view of Gaskill.

Based on at least the foregoing, reversal of the rejection of independent Claim 5 under §103(a) is respectfully requested.

5C. Since Gaskill does not teach or disclose checking a header of a CBS message upon receipt of the CBS message, Gaskill cannot be used to render obvious Claim 5

Claim 5 recites checking a header of a CBS message upon receipt of the CBS message.

Since these features are similar to features recited in Claim 3, the arguments set forth above in section 3A with respect to Claim 3 are also applicable to Claim 5.

Since neither Jung nor Gaskill, nor any combination thereof, disclose the recitation of Claim 5 of the present application, of checking a header of a CBS message upon receipt of the CBS message, Claim 5 cannot be rendered obvious by Jung in view of Gaskill.

Based on at least the foregoing, reversal of the rejection of independent Claim 5 under §103(a) is respectfully requested.

5D. Since neither Jung nor Gaskill teach or disclose a predetermined code corresponding to type and contents of the CBS message, neither reference, nor any combination thereof, can be used to render obvious Claim 5

Claim 5 recites a predetermined code corresponding to type and contents of the CBS message.

Since these features are similar to features recited in Claim 3, the arguments set forth above in section 3B with respect to Claim 3 are also applicable to Claim 5.

Since neither Jung nor Gaskill, nor any combination thereof, disclose the recitation of Claim 5 of the present application, of a predetermined code corresponding to type and contents of the CBS message, Claim 5 cannot be rendered obvious by Jung in view of Gaskill.

Based on at least the foregoing, reversal of the rejection of independent Claim 5 under §103(a) is respectfully requested.

5C. Independent Claim 5 is not rendered obvious by Jung in view of Gaskill

The Examiner has failed to show that each and every element of Claim 5, and in as complete detail as is contained therein, are taught in or suggested by the prior art. The Examiner has failed to make out a prima facie case for an obviousness rejection, and thus Claim 5 is allowable.

6. Dependent Claims 6-8 are patentable over Jung in view of Gaskill

Without conceding the patentability per se of dependent Claims 6-8, these claims are likewise believed to be allowable by virtue of at least their dependence on Claim 5.

CONCLUSION

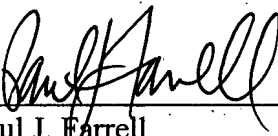
As the Examiner has failed to make out a prima facie case for an obviousness rejection, the rejection of Claims 1-8 must be reversed.

It is well settled that in order for a rejection under 35 U.S.C. §103(a) to be appropriate, the claimed invention must be shown to be obvious in view of the prior art as a whole. A claim may be found to be obvious if it is first shown that all of the recitations of a claim are taught in the prior art or are suggested by the prior art. In re Royka, 490 F.2d 981, 985, 180 U.S.P.Q. 580, 583 (C.C.P.A. 1974), cited in M.P.E.P. §2143.03.

The Examiner has failed to show that all of the recitations of Claims 1-8 are taught or suggested by the either Jung or Gaskill, or the combination thereof. Accordingly, the Examiner has failed to make out a prima facie case for an obviousness rejection.

Independent Claims 1, 3 and 5 are not rendered unpatentable by either Jung or Gaskill, or the combination thereof. Therefore, the rejections of Claims 1-8 must be reversed.

Dated: April 16, 2007

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CLAIMS APPENDIX

1. (Previously Presented) A method of transmitting broadcasting information to a mobile station by utilizing a cell broadcasting service (CBS), comprising:

converting broadcasting information to a predetermined message code according to type and contents of the broadcasting information;

generating a message having the converted predetermined message code and a header indicating the type of the broadcasting information in a format predetermined depending on the type of the broadcasting information; and

transmitting the generated message by utilizing the CBS,

wherein the converted predetermined message code includes a code that is predetermined for at least one word for indicating the contents of the broadcasting information.

2. (Original) The method of claim 1, wherein if the broadcasting information is weather information, the predetermined message code includes an area code, a date code, a time code, and a weather code.

3. (Original) A method of receiving broadcasting information in a mobile station by utilizing a cell broadcasting service (CBS), comprising:

checking a header of a CBS message upon receipt of the CBS message; and

recovering broadcasting information by comparing a message code of the CBS message with a predetermined code corresponding to type and contents indicated by the header of the CBS message, if the header indicates there is a coded message.

4. (Original) The method of claim 3, wherein if the broadcasting information is weather information, the message code includes an area code, a date code, a time code, and a weather code.

5. (Original) A method of transmitting and receiving broadcasting information by a cell broadcasting service (CBS) in a mobile telecommunication system, comprising:

converting broadcasting information to a predetermined message code according to type and

contents of the broadcasting information;

generating a message having a header indicating the type of the broadcasting information and the predetermined message code in a format predetermined depending on the type of the broadcasting information;

transmitting the generated message by utilizing the CBS;

receiving the CBS message;

checking the header of the CBS message upon receipt of the CBS message in a mobile station; and

recovering the broadcasting information by comparing a message code of the CBS message with a predetermined code corresponding to the type and contents indicated by the header of the CBS message, if the header indicates there is a coded message.

6. (Original) The method of claim 5, wherein if the broadcasting information is weather information, the message code includes an area code, a date code, a time code, and a weather code.

7. (Original) The method of claim 6, further comprising determining if a display state is active, and displaying the CBS message if the display state is active.

8. (Original) The method of claim 6, further comprising determining if a display state is active, and storing the CBS message in memory if the display state is not active.

EVIDENCE APPENDIX

There is no evidence submitted pursuant to 37 C.F.R. 1.130, 1.131, 1.132 or entered by the Examiner and relied upon by Appellant.

RELATED PROCEEDINGS APPENDIX

There are no known decisions rendered by a court or the Board in any proceeding identified pursuant to paragraph (c)(1)(ii) of 37 C.F.R. 41.37.